

BATON ROUGE POLICE DEPARTMENT

General Order
No. 133

Effective Date
11-01-1997

Revised Date
09-18-2020

Subject: Departmental Motor Vehicle Crashes

Reviewed 8/13/20

LEGAL DISCLAIMER

This policy is for departmental use only and does not apply to any criminal or civil proceedings. This policy shall not be construed as creating a higher legal standard of care or safety in an evidentiary sense with respect to third party claims. Violations of this policy will form the basis of departmental administrative sanctions only.

POLICY

It is the policy of this department to provide proper training in driving techniques to minimize the frequency of crashes involving departmental vehicles. It is also the intention of this department to hold accountable those employees who are involved in avoidable vehicular crashes, while correcting driving related deficiencies through additional training, guidance, counseling and if necessary, disciplinary measures.

DEFINITIONS

Workplace

Any place where a City-Parish vehicle is operated for purposes permitted in this General Order and any other General Order and in a manner consistent with General Orders.

Incident

For the purpose of this policy, any unusual occurrence involving a vehicle owned or operated by the Baton Rouge Police Department, which does not result in any damage to any vehicle, any property, or injury to any party involved (i. e. - sliding off the roadway, resulting in the vehicle having to be pulled out). Incidents of this type will be reported on a Traffic Supplemental Report with a 4 – page crash/injury report to the officer's immediate supervisor, but will not result in a crash report being written.

Crash

For the purpose of this policy, any incident involving a vehicle owned or operated by the Baton Rouge Police Department, which results in damage, regardless of the amount, to any vehicle, any property, or injury to any party involved.

Class 1 Crash Classification

Is a crash classified by Health and Safety Crash Review Panel or Crash Appeals Board as a crash that resulted from one or more of the following actions and there were neither no injuries, nor complaints, nor incapacitation of any person(s) involved in the crash.

1. Driver inattention or other driver error
2. Pedestrian error
3. Mechanical defect
4. Road defect

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Class 2 Crash Classification

Is a crash classified by Health and Safety Crash Review Panel or Crash Appeals Board as a crash that resulted from one or more of the following actions and the individual(s) involved in the crash sustained injuries. Injuries sustain could range from minor to moderate, or possible complaint.

1. Excessive speed, speed too fast for conditions, failed to yield right-of-way, disregarded traffic sign or signal, improper lane usage, improper passing, followed too closely, made improper turn, improper parking, other improper driving, driving while under the influence of drugs or alcohol, maintenance negligence or abuse, improper backing or driving off roadway.

Class 3 Crash Classification

Is a crash classified by Health and Safety Crash Review Panel or Crash Appeals Board as a crash that resulted from one or more of the following actions and the individual(s) involved in the crash sustained injuries. Injuries sustain could range from moderate to serve, such as, a fatality, incapacitation (temporary or permanent) or gross negligence actions.

Preventable Crash

One determined to be preventable by the Health and Safety Office. Crash Review Panel and/or the Departmental Crash Appeals Board.

Non-Preventable Crash

One determined to be non-preventable by the Health and Safety Office. Crash Review Panel and/or the Departmental Crash Appeals Board.

Gross Negligence

Is the lack of slight diligence or care or a conscious, voluntary act or omission in reckless disregard of a legal duty and of the consequences to another party.

Driving School

The tactical training school as taught by the Baton Rouge Police Training Academy.

Coaching the Emergency Vehicle Operator Course (CEVOII)

The National Safety Council Coaching the Emergency Vehicle Operator Course

Loss of Take Home Unit

Officers who lose their take home vehicle privileges per this order **will not** use their assigned vehicle or any other departmental vehicle for voluntary overtime or extra duty assignments. This does not apply to on-duty use of the vehicle for regular work hours/ week or involuntary overtime.

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Injury

Injury to any person caused directly or indirectly by or aggravated by the crash. Injury scales are taken from the Uniform Motor Vehicle Traffic Crash Report.

Causative Factors

Cause codes established by the Health & Safety Crash Review Panel and/or the Departmental Crash Appeals Board.

Extenuating Circumstances

Any data or circumstances, which may be applied to a crash, which may show positive aspects on part of the officer, involved. Extenuating circumstances factors will be evaluated and assigned if warranted by the Departmental Health & Safety Officer.

Health and Safety Crash Review Panel

The Review Panel will consist of the Commander of the Health and Safety Division and his/her second in command.

Crash Appeals Board

A group of six police officers, made up of a chairperson and four representatives appointed by the Chief of Police, and one member appointed by the Baton Rouge Union of Police Local 237.

PROCEDURES

As per Resolution 41644 (The City-Parish Vehicle Use Policy) all crashes, regardless of the damage involved, must be immediately reported from the scene to the proper law enforcement agency and the Baton Rouge Police Communications Division. A complete written accident report in accordance with current reporting requirements under state law and a City Parish Accident/ Incident Report must be filed with the Baton Rouge Police Department by the end of tour of duty (exceptions by approval of Health and Safety only). Failure to report the crash or to complete the written reports shall be considered a violation of this general order.

I. A Police Unit Involved in a Crash Within the City Limits of Baton Rouge.

- A. When a Baton Rouge police unit is involved in a crash while the operator is in an on duty status, the following personnel shall be immediately notified:
 - 1. Police Communications
 - 2. The involved officer's supervisor
 - 3. Departmental Crime Scene personnel
 - 4. The office of Police Health & Safety or the on-call Health & Safety officer.

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- B. When a Baton Rouge police unit is involved in a crash while the operator is in an off duty or extra duty status, the following personnel shall be immediately notified:
 - 1. Police Communications
 - 2. A supervisor in the district where the crash occurs
 - 3. Departmental Crime Scene personnel
 - 4. The office of Police Health & Safety or the on-call Health & Safety officer
- C. In either of the above occurrences, the following procedures shall apply:
 - 1. Vehicles shall not be moved from the scene until properly photographed by Crime Scene personnel; however the roadway may be cleared as per current laws.
 - 2. The crash shall be investigated by a supervisor assigned to the Uniform Patrol Division or the Traffic Division of the rank of sergeant or above. If no sergeant is available in the district where the crash occurs, one will be drawn from a neighboring district.
 - 3. Written statements shall be taken from all drivers, passengers and other witnesses. These shall be attached to the crash report.
 - 4. The supervisor investigating the crash shall be responsible for completing and submitting all required City-Parish forms (City-Parish Accident/ Incident Report, Worker's Compensation/ Injury Report, etc.), within 48 hours.
 - 5. The Chief of Police, the Internal Affairs Investigator the Health & Safety Officer and the designated City-Parish Adjuster on the scene shall have sole authority to activate the Traffic Homicide Unit.
 - 6. By the next regular business day the officer involved in a crash shall contact the Office of Fleet Management for instructions.

II. A Police Unit Involved in a Crash Outside the City Limits of Baton Rouge, but within East Baton Rouge Parish or an adjoining Parish.

- A. The following personnel shall be immediately notified:
 - 1. Police Communications
 - 2. The involved officer's supervisor
 - 3. The Office of Police Health & Safety or the on-call Health & Safety officer
- B. The investigating agency shall be requested to photograph the scene. Crime Scene will be called to the scene for photographs if deemed necessary by the Health and Safety Officer or Internal Affairs Investigator on the scene.
- C. A driver's statement shall be completed and submitted to the Departmental Health & Safety Office as soon as possible.
- D. On the next regular business day the officer involved in a crash shall contact the office of Fleet Management for instructions.

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III. A Police Unit Involved in a Crash Anywhere Else Within the State of Louisiana or Outside the State.

A. The following shall occur:

1. The departmental Health & Safety Office shall be notified as soon as is reasonably possible.
2. The officer's supervisor shall be notified as soon as is reasonably possible.
3. Upon the employee's return to Baton Rouge a driver's statement and a four page crash/incident report shall be immediately submitted to the departmental Health & Safety Office.
4. Upon the officer's return to Baton Rouge he/she shall contact the office of Fleet Management for instructions.

IV. Seat Belts

- A. Seat belts will be utilized at all times by drivers and all passengers of any City-Parish vehicle. Supervisors will be responsible for insuring that this requirement is followed.
- B. All prisoners transported by this department shall be secured through the use of seat belts. This procedure shall apply to all vehicles, whether or not equipped with a safety screen. Exceptions will be made in the following instances and when approved by a supervisor:
 1. When a prisoner suffers from extreme obesity, or some other physical handicap or some defect which would prevent safe use of a seat belt.
 2. When other extraordinary circumstances exist that prevents safe use of a seat belt.
- C. Anyone not utilizing a seat belt, when applicable, may be subject to disciplinary measures up to and including suspension for one (1) day.

V. Safe Driving Awards

- A. The department's Health & Safety Officer shall be responsible for maintaining each officer's departmental driving record.
- B. The Health & Safety Officer shall also be responsible for recommending awards for safe driving when appropriate.
- C. Qualifications and awards categories:
 1. No preventable crashes within a period of five (5) consecutive years, except for crashes that occurred during a departmentally approved driving school. - Safe Driving Citation Bar bearing the number five (5).
 2. For each consecutive five (5) year period that follows – Safe Driving Citation Bar bearing the appropriate number, (10 yr, 15 yr, 20 yr, 25 yr, or 30 yr.).
 3. The beginning date for qualifying for these awards is November 1, 1997.

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VI. Health and Safety Crash Review Panel

- A. The Panel will make a determination as to whether or not the accident was preventable on the part of the employee and the causative factors involved. The following cause codes will apply:
 - 1. Excessive speed or too fast for conditions.
 - 2. Failure to yield right-of-way.
 - 3. Disregarded signs or signals.
 - 4. Driving left-of-center.
 - 5. Following too closely.
 - 6. Improper turning.
 - 7. Driver inattention.
 - 8. Improper backing.
 - 9. Self-impaired.
 - 10. Other improper driving.
 - 11. Other mechanical or equipment defect known to driver.
 - 12. Other non-driver error.
 - 13. Other driver error.
 - 14. Improper passing or lane change.
 - 15. Drove off the roadway.
- B. The Health and Safety Crash Review Panel will inform the employee/ drivers in writing of their findings, within five (5) calendar days and forward the information to Internal Affairs.
- C. Employee may appeal any decision of the Panel.

VII. Crash Appeal Board (Board)

- A. The Health and Safety Office will notify the employee/driver of the Crash Review Panel's findings via email, within five (5) calendar days.
- B. Additionally, employee/driver must respond with an electronic signature to confirm/acknowledge receipt of the Panel's findings notification within seven (7) calendar days.
- C. The result of making no response will nullify the employee/driver's right to appeal the Crash Review Panel's findings.
- D. The Health and Safety office will coordinate the date and time of any pending appeals, within seven (7) calendar days, with the Board chairman and notify the employee/ drivers of any scheduled hearings.
- E. The employee/ drivers may be present and will be allowed to call two witnesses on their behalf. All appearances before the board are voluntary and will not be compensated, unless ordered by the Chief of Police. Members of the board may ask questions of anyone presenting testimony.

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- F. Three members and the Chairman constitute a quorum. The members will consider any available reports and oral testimony before rendering a decision. The Board may defer a ruling until the next meeting by majority vote. The Chairman votes only in the case of a tie.
- G. The ruling of the board to uphold or overturn the Panel's decision, including causative factors, will be reported to the Health and Safety Office. The Health and Safety Office will submit a written account of the findings to Internal Affairs.
- H. The Chief of Police will Determine what, if any, action will be taken against the employee/ driver. He may set aside the decision of the board or modify it as to cause.
- I. The Chief of Police will notify the employee/ driver of his decision, in writing.

VIII. Extenuating Circumstances

- A. Below are examples of extenuating circumstances which may count in favor of personnel involved in the crash. The employee must be able to prove the circumstances had a direct relation to the crash to sustain/support the finding of a non-preventable crash.
 - 1. Debris on roadway
 - 2. Animals/pedestrians on roadway
 - 3. Road defect
 - 4. Police related distractions
 - a. Gun shots
 - b. Screaming
 - c. Weapons present

IX. Discipline/Retraining Scale

A. Non-Preventable Crash

No action taken against employee.

B. Preventable Crash

- 1. First Crash within a three (3) year period:
 - a. Class 1 Crash Classification, less than \$2500 in damages
 - 1. Conference worksheet and/or one (1) day driving school.
 - b. Class 2 Crash Classification
 - 1. Letter of caution or reprimand and/or one (1) day driving school.
 - c. Class 3 Crash Classification
 - 1. One (1) day suspension to dismissal

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2. Second Crash within a three (3) year period:
 - a. Class 1 Crash Classification
 1. Letter of caution or reprimand and/or one (1) day driving school.
 - b. Class 2 Crash Classification
 1. One (1) day suspension and/or loss of take home unit (at Chief's discretion) and/or one (1) day driving school.
 - c. Class 3 Crash Classification
 1. One (1) day suspension to dismissal
3. Third Crash within a three (3) year period:
 - a. Class 1 Crash Classification
 1. 1-3 day suspension and loss of take home unit (at Chief's discretion).
 - b. Class 2 Crash Classification
 1. 3-5 day suspension and loss of take home unit (at Chief's discretion).
 - c. Class 3 Crash Classification
 1. One (1) day suspension to dismissal
4. Fourth Crash within a three (3) year period:
 - a. Class 1 Crash Classification
 1. 3-5 day suspension and loss of take home unit (at Chief's discretion).
 - b. Class 2 Crash Classification
 1. 5-15 day suspension and loss of take home unit (at Chief's discretion) - dismissal.
 - c. Class 3 Crash Classification
 1. One (1) day suspension to dismissal

Punishment levels resets after three (3) year period of no departmental vehicle crashes.

No employee will be denied an appeal to determine whether a crash was preventable or non-preventable.